

REMARKS

This responds to the Office Action dated on February 24, 2005. This is accompanied with an RCE along with an IDS.

Claims 1, 7, 14, 22, 34, 38, 42, and 48 are amended; as a result, claims 1-51 are now pending in this application.

§112 Rejections

Applicant disagrees with the §112 rejection. Applicants direct the Examiner's attention to page 16 of the original filed specification lines 19-29. Here, the subroutine that uses dynamic arrays is described as having to declare the use of the dynamic array. Additionally, page 9 lines 17-19 indicate that the programmers have complete control of the view on the data appropriate to their problem. It follows that the subroutine is in fact user defined or modifiable. Accordingly, Applicants disagree with the Examiner's assertion that the support for the phrase "user-defined" is not provided in the original filed specification.

Even so, the Applicants have amended these claims to strike the phrases "user defined" and "permitting a user." Therefore, the rejections with respect to 35 U.S.C. § 112 are moot and should be withdrawn. It is also noted that the rejection indicates that claim 6 is being rejected but claim 6 includes none of the offending phrases. Therefore, Applicants have assumed that the mention of claim 6 was really directed to claim 7 which did include one of the phrases. If this is not the case, then Applicants respectfully request clarification by the Examiner with respect to claim 6.

§103 Rejections

The remaining rejections of the claims are based on obviousness under 35 U.S.C. § 103(a) in view of Tremblay and what the Examiner has termed admitted prior art in the original specification.

Applicants again disagree that the statements cited by the Examiner from the background read on language in the independent claims. The Examiner asserts that prior statements regarding this were general and vague and therefore not considered. The Applicants respectfully

disagree. The rejection was traversed, and the Applicants pointed out language in the rejected claims that was not found in the applied art.

Even so, Applicants are providing a more detailed explanation here as to why the Applicants do not believe the cited background statements read on the claim language that states “accessing data from within the block of statements as a dimensional indexed array using the array attribute storage object.” The Examiner has concluded that statements made in the background which read “array elements are often stored contiguously in the computer’s memory, and the subscript or index of the first element is normally zero in all dimensions applied to the array” read on the claim language cited above. The background statement simply recites that arrays are often accessed via an index value. For example, an array A having 2 elements may be referenced with the statement A[0] to acquire the first element of that array A. This is common practice but it does not lead to the conclusion that accessing an array via an index value is the same as the language in claim 1, where access to the data is achieved via an “attribute storage object.” The attribute storage object is a dimensional view into the data of a one-dimensional array and provides an access mechanism into the storage associated with the data, as appropriate for a problem encountered by programmers (Page 9, lines 17-19). This is not what the statements in the background state.

Therefore, Applicants continue to disagree that the statements in the background can be used in the manner asserted by the Examiner to declare that Applicants’ admit a certain feature of the claims as admitted prior art. Applicants are not disputing the language that exists in the background section of the original filed specification; rather, Applicants continue to respectfully disagree with how the Examiner is interpreting those statements to render certain features of the claims obvious.

With respect to the Tremblay reference, the Applicants are unable to find in the Tremblay reference a dimensional dynamic overlay to provide a dimensional view (capable of at least a two dimensional view) into one-dimensional arrays as Applicants’ independent claims now positively recite in a more direct fashion.

Accordingly, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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By their Representatives,

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Date 5-11-05

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of April, 2005.

LISA PORSIKE

Name



Signature